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CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

Letter dated 26 June 1997 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to refer to item 80 of the preliminary list and to transmit herewith a report entitled "Technical considerations: regarding the statements by the United States Department of State on the activities of the United States S2R aircraft while overflying Cuban national territory on 21 October 1996".

This report refers to the appearance in Cuba of a plague of Thrips palmi, in connection with which a document of the General Assembly (A/52/128), dated 29 April 1997, has been circulated.

I should be grateful if you would have this letter and the report annexed hereto circulated to Member States as a document of the General Assembly.

(Signed) Bruno RODRÍGUEZ PARRILLA
Ambassador
Permanent Representative of Cuba

* A/52/50.

ANNEX

Technical considerations regarding the statements by the United States Department of State on the activities of the United States S2R aircraft while overflying Cuban national territory on 21 October 1996

On 5 May 1997 the Secretary-General of the United Nations distributed as a General Assembly document (A/52/128, dated 29 April 1997) a report on the appearance in Cuba of a plague of Thrips palmi. The report gives a thorough description of the facts of the overflight along the "Girón" corridor, within Cuban national territory, by the S2R aircraft, registration No. N3093M on the United States Civil Aircraft Register, operated by the State Department. The findings of the investigation carried out, as concluded in the above report, relate, with a high degree of certainty, the appearance of Thrips palmi in Cuba with the discharge of unknown substances over Cuban territory by the United States aircraft.

On 6 May the United States Department of State issued statements on the report submitted by Cuba. In those statements, in an attempt to justify the spraying of substances over Cuba, it was indicated that the pilot followed prudent air safety measures by marking his location with smoke and that all small aircraft of this type used by the United States are equipped with smoke generator systems. It was also stated that during long flights the sprinkler systems are not operational because the tanks normally used for pesticides are used to store the fuel needed for the flight. Such arguments are insubstantial and unprofessional, as unquestionably evidenced by the following technical considerations.

Questions relating to the use of the smoke generator as an air transit procedure

The norms and regulations of the International Civil Aviation Organization (ICAO) do not make any reference whatsoever to any regulation establishing the use of smoke generators to signal the position of aircraft in flight and it is not a known practice.

This aircraft was flying under an IFR (Instrument Flight Rules) flight plan, where responsibility for the separation of aircraft during flight is assumed by the air traffic controller guiding the aircraft, and not by the pilots, as the United States smoke generator version claims.

It is absurd to claim that the pilot was unsettled to such an extent by the approach of a Cubana de Aviación aircraft that he decided to activate the so-called smoke generator without ever reporting this to the air traffic controller who was guiding him and who was responsible for his separation, this being the standard procedure.

It is also significant that the approach supposedly made him turn on the so-called smoke generator and that there was no report of this by the aircraft captain on arriving at his destination, which is certainly also a standard procedure.

Nor did the pilot report in flight that he had any technical problem on board.

Cuba has recordings of the exchange by radio between the aircraft and the air traffic controller.

On the use of the smoke generator

In the official publications consulted (inter alia, Jane's All The World's Aircraft 1992-1993, Aviation Week & Space Technology, of 16 March 1992), the smoke generator does not appear as standard equipment on S2R-T65 aircraft.

Small, medium and large commercial aircraft, general aviation aircraft, and crop duster planes manufactured and operated all over the world are not equipped with smoke generators and such devices are not required by ICAO.

The only normal practice is the installation of smoke generators in aerobatic aircraft for display flights and other related activities.

On the use of the herbicide tank for carrying fuel

It is well known that this kind of aircraft, as well as other similar ones, can use the tank normally used for carrying herbicides or other substances as a fuel tank on long flights. In the case of the N3093M flight on 21 October 1996 there are factors that show that the herbicide tank was not used to carry fuel. These can be summarized as follows.

The flight request submitted to the relevant Cuban authorities states that it was a ferry flight, which, in aeronautical phraseology, means that this aircraft was carrying no payload, i.e. that the herbicide tank was empty, since it is the only compartment where this aircraft carries any payload.

This aircraft has fuel tanks with a useable capacity of 228 gallons (863 litres), which allows it to fly for approximately six and a half hours, covering an approximate distance of 1,300 km, depending on wind direction and strength. That day, according to weather reports, winds were favourable.

From take-off to the moment it left the Havana Flight Information Region (FIR) via the Atuvi checkpoint, the aircraft flew for five and a quarter hours, with a further 15 minutes to go from Atuvi to Grand Cayman, for a total of five and a half hours for 1,100 km (600 nautical miles).

From the above data it is apparent that the aircraft could have flown as planned from Cocoa Beach to Grand Cayman on the fuel in its main tanks, without using the herbicide tank for fuel.

Even if it is accepted that the herbicide tank was used for fuel, it would be absurd to accept that it was filled to capacity. This tank has an approximate capacity of 1,900 litres (500 gallons), almost twice that of the aircraft's fuel tanks.

To have filled this tank with fuel not needed for the flight would have entailed additicnal weight with a resulting increase in fuel consumption.

If, notwithstanding all this logical reasoning, it was decided to fill the herbicide tank with fuel for the flight, it is doubtful that it was filled with more than 100 gallons. Technically, it is possible to prepare the tank to fill part of it with fuel and the rest with some other substance, thus allowing for an initial consumption of fuel, and then the use of the substance to be sprayed or dusted.

The above technical considerations show how insubstantial the State Department statements have been. All of this goes to show that the United States Government has no other justification for the discharge of unknown substances over Cuban territory.

Cuba reiterates once again its concern at the use of this authorized overflight of Cuban national territory by a United States aircraft for activities that run counter to and violate, inter alia, the provisions of the Convention on Biological Weapons and the Chicago Convention and their annexed documents for the purpose of causing damage to the agriculture and population of Cuba.